



DOMESTIC VIOLENCE COURTS

CIVIL DOMESTIC VIOLENCE COURTS: KEY PRINCIPLES

This fact sheet is one in a series to support the development of domestic violence court initiatives. For other documents in the series, please visit www.courtinnovation.org/domesticviolencecourt.html

Civil protective orders are the most common court response to domestic violence, both intimate partner and intra-family. Civil protective order applications are heard in a range of contexts. Often, they are heard by judges or commissioners who are responding to many different types of cases, including intimate partner and family cases, bail applications and non-criminal traffic violations. While many criminal courts across the country established specialized dockets to respond to domestic violence, especially intimate partner violence, few civil courts have followed suit. Even fewer have taken a specialized approach to handling custody and visitation cases that allege domestic violence. Unfortunately, without this targeted focus, these civil courts often fail to address the unique nature of intimate partner violence cases. Civil Domestic Violence Courts present an opportunity to improve court response in the area that frequently matters most to victims: safety and security for both themselves and their children.

Civil Domestic Violence Courts are specifically designed to promote: victim safety and respondent accountability; informed judicial decision-making; consistent handling of civil protective orders; efficient use of court resources; and a concentration of social services for victims and their children. Among other strategies, specialized civil courts can develop policies to coordinate protective orders with criminal domestic violence/sexual assault cases, implement firearm protections, and increase interaction with supervised visitation and exchange programs.

The Center for Court Innovation, a technical assistance provider for the U.S. Department of Justice’s Office on Violence Against Women, provides support to dozens of jurisdictions. Both within the United States and internationally, these communities seek tools to enhance their response to intimate partner violence and sexual assault. These seven key principles are based on the Center’s experience developing Domestic Violence Courts among this varied group of jurisdictions.

1 Dedicated Court or Docket for all Civil Domestic Violence Cases

One or more dedicated judges preside over all civil intimate partner domestic violence or sexual assault cases, including protective order applications, child custody, visitation, child support, and divorce proceedings. By concentrating intimate partner violence cases in one courtroom, a specially trained judge can tailor his or her orders to address all issues, including appropriate treatment mandates for respondents and services for victims and children.

2 Comprehensive Resources for Families

Families in Domestic Violence Courts are frequently in crisis. Often, each member of the family needs some type of service. In Civil Domestic Violence Courts, both victims and respondents may be connected with appropriate services. For example, victims may be referred to supportive social or civil legal services, while respondents can be mandated not only to batterer intervention programs but also to substance abuse or parenting programs.



3 Offender Accountability

Frequent court appearances—relying on increased communication and coordination between the court and service providers—are key to improving accountability. In some jurisdictions, court-employed resource coordinators facilitate the court’s order of programs for perpetrators, including batterers’ intervention programs and substance abuse treatment. The resource coordinator can also obtain regular reports on respondents’ compliance and progress, ensuring that they attend the mandated programs. Domestic Violence Courts may choose to hold regular compliance review dockets to ensure participation in mandated programs. These appearances allow service providers and the court to check in on the respondent’s compliance with mandated services. They also provide an opportunity to implement additional sanctions for failures to comply and to reinforce positive behavior change. In a Civil Domestic Violence Court, compliance reviews may depend on the moving party’s interest in filing for a violation proceeding. Several Civil Domestic Violence Courts have implemented innovative programs to ensure that compliance reviews are not a burden on petitioners and that the court can respond to violations of mandates without the victim’s participation.

4 Advocacy for Domestic Violence Victims

Domestic Violence Courts work with independent, community-based victim service providers and civil legal services in their jurisdictions to ensure that coordinated services are available to every victim.

In many specialized courts, at least one dedicated advocate from a victim services provider is present during court proceedings. This advocate can provide domestic violence victims with immediate access to safety planning, counseling, and other services. As the case proceeds, the advocate also ensures that the victim knows the status of the case and is available to escort the victim to meetings with attorneys or social service agencies. Further, referrals may be made to civil legal services for victims without representation. Having a dedicated victim advocate and a direct link to civil legal representation for indigent petitioners enables the court to provide crucial safety measures for victims who face additional hurdles due to isolation, limited transportation and scarce resources.

5 Judicial and Court Staff Training

Judges presiding in Civil Domestic Violence Courts should receive special training, which covers operational and legal matters pertaining to the Domestic Violence Court, the dynamics of domestic violence and the impact of domestic

violence on children. Court personnel, such as clerks and court security, should also attend trainings, ensuring that all individuals staffing a dedicated Domestic Violence Court are sensitive to the unique dynamics surrounding domestic violence cases.

6 Community Partner Involvement

Civil Domestic Violence Courts work closely with a network of stakeholders, including criminal courts, police, defense counsel, civil attorneys, victim service agencies, batterers’ program staff, mental health and substance abuse treatment providers, children’s services, and lawyers for children. It is critical that the court provide continuing forums for communication through regular meetings after implementation. These stakeholder meetings are an important avenue for information sharing and checking in; the meetings can be a venue for on-going education as well.

7 Outcomes

The active collection and analysis of data – measuring outcomes and process, costs and benefits – are crucial tools for evaluating the effectiveness of operations and encouraging continuous improvement. Widespread dissemination of this information can be a valuable symbol of public accountability. The Center for Court Innovation has developed a performance measure tool for Domestic Violence Courts that helps to evaluate outcomes in the areas of victim safety, case processing, offender accountability, and interaction with community agencies.

For More Information

Visit the Center for Court Innovation’s National Domestic Violence Technical Assistance Program at www.courtinnovation.org/domestic-violence-technical-assistance

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